

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.11513 of 2003

Between:

1. Veeramaneni Ramachandra Rao S/o Musalaiah,
R/o Plot No. 133, Refcon Raja Soudha, Flat No. 301, Motinagar, Hyderabad-18.
2. Smt. Veeramaneni Venkata Andal Subhadra Devi, W/o V. Ramachandra
Rao, R/o Plot No. 133, Refcon Raja Soudha, Flat No. 301, Motinagar, Hyderabad-18.

...PETITIONERS

AND

1. The District Collector, Medak District.
2. The Revenue Divisional Officer, Sangareddy.
3. The Mandal Revenue Officer, Munpally, Medak District.
4. The Executive Engineer, Panchayat Raj, Sangareddy.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more especially one in the nature of Mandamus declaring that the impugned action of construction of minor tank bed (cheruvu) by the respondent authorities in the petitioners private patta lands to an extent of Acs.21.09 gts. bearing Sy. NO. 92/A, situated at Gopularam Kalan Village, Munpally Mandal, Medak District is bad, illegal and restrained the respondents to

proceed with the construction activities other than the due course of law in the interest of justice.

Counsel for the Petitioners: MR.H.VENUGOPAL

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The two petitioners claim that they are the owners of the land admeasuring Acs.1.09 gts comprised in Survey No.92/A of Gopularam Kalan village, Mulpally Mandal of Medak District, having purchased the same under registered sale deeds, dated 12.03.2001. The petitioners alleged that the respondents so as to construct a minor irrigation tank in the said patta lands have performed ground breaking ceremony. According to the petitioners, the said action is arbitrary and unconstitutional. Therefore, they filed the present Writ Petition.

This Court while admitting the Writ Petition on 23.06.2003 ordered *status quo* to be maintained while observing that the orders of *status quo* do not preclude the authorities to proceed with the construction of the minor irrigation tank, if there is a proposal to take tank, if it is absolutely necessary. In the counter-affidavit filed by the Mandal Revenue Officer, Mulpally Mandal filed along with W.V.M.P.No.2646 of 2004, it is stated that the respondents are not constructing any minor irrigation tank in the land in Survey No.92/A. It is stated that the said land is also part of Lxminarayana Cheruvu of Gopularam Kalan village. The allegation that the respondents are trying to construct minor irrigation tank is categorically denied stating that it is only the apprehension of the petitioners. No reply-affidavit is filed denying the counter-affidavit averments.

In view of the counter averments, though the interlocutory applications are listed, the Writ Petition was heard. Further, as there is a categorical denial of the allegation that the respondents are constructing minor irrigation tank, the Writ Petition must be held to have been filed without any factual foundation. Therefore, giving liberty to the respondents to take action in accordance with law for construction of minor irrigation tank, the Writ Petition is disposed of.

The Writ Petition, with the above observation, is disposed of.

(V.V.S.RAO, J)

30th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Medak District.
2. The Revenue Divisional Officer, Sanga Reddy.
3. The Mandal Revenue Officer, Munpally, Medak District.
4. The Executive Engineer, Panchayat Raj, Sanga Reddy.
5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.